

S/N 09/930,105

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fred S. Lamb et al.

Examiner: Kim, Jennifer M

Serial No.: 09/930,105

Group Art Unit: 16

Filed: August 15, 2001

Docket: 875.054US

Title: **USE OF CLC3 CHLORIDE CHANNEL BLOCKERS TO MODULATE VASCULAR TONE**

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

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1-15-02

Sir:

This is in response to the Restriction Requirement mailed October 2, 2002. Applicant provisionally elects, with traverse, the claims of Group VII (claims-22-42), which are directed to a method to modulate vascular tone comprising administering a chloride channel blocking agent.

The Restriction Requirement is traversed on the basis that Restriction Requirements are optional in all cases. M.P.E.P. § 803. If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it may include claims to distinct or independent inventions. M.P.E.P. § 803. Claims 22-42 (Group VII), directed to a method to modulate vascular tone comprising administering a chloride channel blocking agent, are related to claim 43 (Group VIII), directed to a method for treating erectile dysfunction comprising administering a CLC3 channel blocking agent, because CLC3 is one type of chloride channels blocking agents, and erectile dysfunction is a type of vascular tone dysfunction. Thus, the claims in Groups VII and VIII are directed to related subject matter.

It is respectfully submitted that the search and examination of all of the claims of the present application and, in particular, claims in Groups VII and VIII can be made without serious burden on the Office. Given the close relationship between the subject matter of the claims, no additional serious burden can result from the search and examination of all of the claims. In light of this, it is submitted that Applicant should not be required to incur additional costs associated with the filing of multiple divisional applications in order to obtain protection for the claimed subject matter. Thus, reconsideration and withdrawal of the Restriction Requirement is respectfully requested.

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Applicant respectfully requests a favorable examination of the merits of this patent application. The Examiner is invited to telephone Applicant's attorney (612-371-2106) to facilitate prosecution of this application. Please charge any additional fees deemed necessary to Deposit Account 19-0743.

Respectfully submitted,


FRED S. LAMB ET AL.,

By their Representatives,

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Date 2 December 2002

By



Katharine A. Jackson Huebsch
Reg. No. 47,670

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 2nd day of December, 2002.

December
Candis B. Buending

Name

Signature

